

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
May 9, 2012

CALL TO ORDER

President Cohn called the meeting to order at approximately 7:06 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

President Cohn announced that an executive session was held prior to the meeting at 6:00 PM to discuss personnel matters.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Evans, Ms. Trice, Ms. Moore, Ms. Goodman, Ms. Macklin (via telephone connection), and President Cohn. Also present were Marla P. Marcinko, Borough Manager and Mike Witherel, Borough Solicitor. Mayor John Thompson, Vice President McCarthy-Johnson and Ms. Ervin were absent. A quorum was established.

President Cohn officially welcomed Ms. Moore back and she thanked all for their support. President Cohn also congratulated Mr. Lefebvre for his 7:38 mile split in the half marathon of the Pittsburgh Marathon.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime including the young man killed over the weekend at Hunter Park.

PUBLIC COMMENT

Jerome Garrett – 1422 Laketon Rd. – Showed pictures to Council of the property at 1423 Laketon Rd. that has fallen trees. He also commented on the condition of 1228 Franklin Avenue which has a number of black plastic garbage bags filled with construction materials on the property. Work had been started but has now ceased. He commented that the bags have been there for over a year. He commented on the condition of 1235 Franklin where there is a couch on the porch which has been there for three or four years and needs to be removed.

Kate Luxemburg - 432 Rebecca Ave. – Commented that garbage has been placed out all week at 427 Rebecca. She questioned whether the permit fee waiver would be limited to projects performed by the Wilkinsburg Affordable Housing Coalition.

AGENDA ITEMS

- 1. Adopting Ordinance No. 2891 – Eliminating residential parking restriction 1000 block of Mifflin Avenue.**

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Moved: Ms. Evans

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried

2. Adopting Ordinance No. 2892 – Civil penalties for code violations.

Moved: Mr. Lefebvre

Second: Ms. Goodman

Ms. Trice commented that the numerical sections of the various codes are specified in the ordinance but there is no reference to what matters each code addresses. She requested that action on the matter be tabled until that clarification is received. Ms. Macklin questioned whether the fees would be established by resolution and Ms. Marcinko responded that they would.

A motion was made by Ms. Goodman, second by Ms. Trice to table the motion until such time as the Solicitor completes his summary of the specific codes included in the legislation. All voted in favor of the motion.

3. Approving Council Meeting Minutes of 04/04/12 and 04/11/12.

Ms. Macklin requested a correction to the April 11, 2012 minutes, last paragraph. She requested it read: "Ms. Macklin announced that she met with Tim Weinstein and the School District and organized a motivational speaker engaged for middle and high school students on financial literacy. Mr. Ryan Mack was the presenter and he brought with him three engineers from the National Black Engineer's Society".

Moved: Mr. Lefebvre

Second: Ms. Moore

All voted in favor of the motion. Motion carried.

4. Approving April Checks Issued in the amounts as follows:

Regular Distributions 04/01/12 – 04/30/12	\$1,256,505.17
Payroll Disbursements	\$ 296,693.70
Voided Checks	<u>\$ (665.20)</u>
Total	\$1,552,533.67

Moved: Mr. Lefebvre

Second: Ms. Moore

Yes: Ms. Moore, Ms. Goodman, Mr. Lefebvre, Ms. Evans, President Cohn

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No: Ms. Trice, Ms. Macklin

Motion carried 5:2

- 5. Approving Resolution No. 12-038 street closure for the Wilkinsburg School District on May 25, 2012 between the hours of 5:00 p.m. and 6:30 p.m. on Wallace Avenue between Center Street and Wood Street for the purpose of holding a procession for the prom ceremony.**

Moved: Mr. Lefebvre

Second: Ms. Goodman

All voted in favor of the motion. Motion carried

CONSENT AGENDA

- 6. Approving Resolution No. 12-039 re-appointing Maria Riley to the Community Art & Civic Design Commission for a three-year term continuing through December 31, 2014.**
- 7. Approving Resolution No 12-040 re-appointing Yvonne James to the Community Art & Civic Design Commission for a three-year term continuing through December 31, 2014.**
- 8. Approving Resolution No. 12-041 appointing Bryan Grasso to the Wilkinsburg Community Art & Civic Design Commission to fill the Unexpired term of Dee Briggs which will continue through December 31, 2012.**
- 9. Approving Resolution No. 12-042 appointing Joel Minnigh to the Wilkinsburg Library Board of Directors to fill the unexpired term of Steve Donahue which will continue through January 31, 2013.**

All voted in favor of the motion. Motion carried

With regard to Ordinance No. 2892, Mr. Witherel cited all codes which are included in the proposed legislation. He commented that the legislation provides for the imposition of civil penalties in addition to criminal proceedings.

A motion was made by Mr. Lefebvre, second by Ms. Goodman, to remove the previous motion from the table.

Ms. Moore questioned the District Magistrate Judge's involvement with this process. Mr. Witherel responded that there is no role relative to civil actions and that this is an alternative to criminal proceedings going before the District Magistrate Judge as a

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significant amount of time is required to prosecute cases. Ms. Trice commented that real estate issues should remain with the District Magistrate Judge. Mr. Witherel clarified that criminal citations can still be filed. Ms. Macklin commented that she is surprised that nuisance ordinances are included. Ms. Evans questioned whether this process may allow for quicker compliance and Mr. Witherel responded that should absolutely be the case. Ms. Trice questioned how repeat offenders would be handled. Mr. Witherel suggested action be pursued through criminal proceedings.

All voted in favor of the motion. Motion carried.

OLD BUSINESS

1. Waiving of permit fees – Wilkinsburg Affordable Housing Coalition Project.

President Cohn commented that establishing a policy for the waiving of permit fees would make sense. Mr. Witherel informed Council that a waiver process should be based upon written policy and applied consistently, as narrowly or as broadly as Council chooses. Ms. Macklin expressed concern with precedent setting. She stated that it can be considered that the Borough has offered financial assistance to one over another. Mr. Witherel did not agree and commented that such processes have been employed in a number of different areas for a number of different reasons. Ms. Macklin inquired if there were samples from other communities. President Cohn stated that no one was tasked to do so and the Borough should encourage groups to do this type of work in Wilkinsburg. He suggested asking Mr. Witherel to draft a narrow policy. President Cohn suggested several guidelines. Ms. Macklin inquired whether the value of the permit fees to be waived should be capped. Ms. Evans commented that the Affordable Housing Coalition met this morning and a letter will be sent to the Borough from Steve Hellner-Burris of Rebuilding Together Pittsburgh. There has been nearly \$150,000 in private support for this project so far. Ms. Evans clarified that inspection fees would not be waived. President Cohn suggested waiving a percentage of project costs and asked Mr. Witherel to draft a policy and circulate to Council. Ms. Trice suggested checking with surrounding communities where growth is occurring to see if there may be a sample policy. Ms. Evans will also check with other organizations.

NEW BUSINESS

1. Funding Art in the Park and Community Day.

President Cohn advised Council that the Borough will not be holding Community Day in lieu of the 125th Anniversary celebration. He commented that Linda Law requested money be appropriated from Community Day to the Health Fair to pay for music (\$500).

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There has also been a request for increased funding for Art in the Park and the 125th Anniversary. Ms. Marcinko clarified the budget amounts for each program. President Cohn questioned how the Health Fair was previously funded. Ms. Moore and Mr. Lefebvre responded that it was under the Community Day budget. Ms. Macklin commented that Council should make an effort to support the 125th Anniversary and has no objection on the Health Fair. Mr. Cohn commented that specific action need not be taken to allocate \$500 to the Health Fair. Ms. Evans commented on the need to have appropriate accounting to meet audit standards. Ms. Goodman inquired as to why additional monies were sought for Art in the Park. Ms. Marcinko commented that the cost for the bands is approximately \$500 per band and there are 10 performances scheduled. The additional monies would be for additional disc jockey performances. President Cohn questioned whether the events are well-attended. DPW Director Clark advised that he had attended all performances last year and they were well-attended. Ms. Trice advised that she is in favor of raising the allocation for Art in the Park to \$6500. Council agreed to reallocate \$1500 from Community Day to Art in the Park and \$1500 to the 125th Anniversary with \$1000 to remain in the Community Day line item.

Ms. Macklin questioned the status of seasonal help hiring and how well it was advertised, the hourly rate and how many are to be hired. President Cohn requested that the advertisement be sent to him and Linda Law for further distribution.

Ms. Evans informed Council that the Wilkinsburg Municipal Authority met and had a discussion about the Gym of Future Champs building. She stated that the organization no longer has 501 (c) (3) which was required to be maintained in order to continue ownership of the building. Ms. Evans stated that the reversion clause returns the title to the Wilkinsburg Municipal Authority and Mr. Witherel clarified that there was not only a reversion clause but the maintenance of non-profit status was a condition in the deed. He stated that the current owners need to be put on notice and additional information relative to non-profit status should be obtained. Ms. Macklin questioned whether anyone had approached the current owners and whether the organization is functioning. President Cohn commented that the Mayor had stated it was but he has not observed any activity. Ms. Macklin inquired as to how this became an issue. Ms. Evans stated that she performs a search of all 501(c) (3)'s as those which have lost that status should be paying taxes.

Ms. Moore announced the Wilkinsburg Public Library's Annual Book Sale and Flea Market will be held on Friday, June 1, 2012 through June 9, 2012, from 10:00 a.m.-5:00 with no Sunday hours. More information can be obtained by calling 412 244-2940. Volunteers are being recruited and the sign-up sheet is available in the Adult Library.

President Cohn inquired as to a completion date for the work on the Penn Avenue underpasses. Ms. Marcinko responded sometime in May, 2012.

President Cohn commented on the Cease Fire meeting he and Councilwoman Goodman attended last month. He spoke about shot spotters which are microphones to triangulate

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shots fired which can identify type of weapon, when the shots were fired and location. The Heinz School is conducting a study on the origin of guns involved in incidents in the City. Mr. Cohn would like to look at any and all options and initiatives.

Mr. Lefebvre announced the opening of a new coffee shop in Wilkinsburg, Biddle Escapes” at the corner of Biddle and South Trenton Avenues.

Ms. Evans announced the Pittsburgh Community Reinvestment Group is sponsoring an annual conference to be held May 24, 2012. The group awards the “Bob O’Connor Volunteer Neighborhood Leader Award” for those who exemplify a lifetime of service to their community. WCDC nominated Jim Richard for the award and he was chosen. He will be honored at their reception at the William Penn.

ADJOURNMENT

Being no further business, on motion by Ms. Goodman; second by Ms. Evans the meeting was adjourned at approximately 8:14 PM.

Jason Cohn, Council President